

APPLICATION NO	PA/2016/1716
APPLICANT	Ongo Homes Ltd
DEVELOPMENT	Planning permission to erect six one-bedroom flats, arranged in three blocks to include car parking and associated works
LOCATION	Land to the rear of Davy Avenue, Scunthorpe
PARISH	Scunthorpe
WARD	Crosby and Park
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

North Lincolnshire Local Plan:

H5 (a-i only) (New Housing Development)

H7 (Backland and Tandem Development)

H8 (Housing Design and Housing Mix)

T1 (Location of Development)

T2 (Access to Development)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy For North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design In North Lincolnshire)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset Map for Scunthorpe & Bottesford

CONSULTATIONS

Highways Team: Advises conditions and an informative.

Drainage Team: Advises conditions and an informative.

Tree Officer: Advises a condition to secure proposed landscaping.

Environmental Health: Advises conditions in respect of contaminated land and construction hours.

Archaeology: No objection.

Severn Trent Water: No objection subject to informatives.

Section 106 Officer: No Section 106 requirement as the scheme is for less than 11 dwellings.

Strategic Housing: No comments received.

Spatial Planning: Proposal conforms to Scunthorpe density requirements under policy CS8.

Ecology: Advises a condition to obtain and implement a biodiversity enhancement plan.

PUBLICITY

Neighbouring properties have been notified and five letters of objection have been received raising the following concerns:

- will lead to loss of land currently used as recreational space by children
- increase in traffic causing road safety issues
- increase in traffic to narrow access road causing noise disturbance to adjacent properties
- increase in traffic will cause air pollution
- will result in a loss of privacy to rear gardens of properties on Davy Avenue
- will result in a loss of sunlight to rear gardens of properties on Davy Avenue
- proximity of new buildings will be overbearing
- the area is predominantly family-sized homes, and one-bed flats will be out of keeping with homes in the area
- the Housing Association has never been able to manage tenants with an effective policy to keep noise under control
- increase in antisocial behaviour
- increase in noise due to level of proposed parking
- loss of privacy to properties on Henderson Crescent
- loss of sunlight to properties on Henderson Crescent
- too near to boundary fence with properties on Henderson Crescent
- misleading scale drawings
- bin store sited adjacent to boundary fence will increase noise and pest problems
- trees will be removed when previously the authority has stated that they enhance the area
- devaluation of property
- over-development of the site
- loss of view.

ASSESSMENT

The application site is land to the rear of Davy Avenue, Scunthorpe. Planning permission is sought for the erection of six one-bedroomed flats, to be arranged in three blocks and to include car parking and other associated works.

The application site proper is green space bound by residential properties to the east and existing access road to the north, south and west. This existing road provides rear access to properties on Long Road, Davy Avenue and Boughton Avenue. The access road enters the site from Davy Avenue between two residential properties, the side elevations of which are directly sited on the boundary with the footpaths to either side of the vehicular carriageway. The application site for the purposes of planning is considered to be backland development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP), which was adopted in May 2003, and the North Lincolnshire Core Strategy (NLCS), which was adopted in June 2011. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The main issues for consideration with regard to the determination of this application are: whether the proposed development is of an appropriate scale and design with regard to site context, and whether the proposed development would have an adverse impact upon amenity afforded to neighbouring residential properties, including the vehicular access.

Principle

The application site is within the Scunthorpe urban area in Crosby and is considered to be a sustainable location with good access to local facilities and services. The site is wholly located within the development limit as defined by the Housing and Employment Land Allocations Development Plan Document (HELA DPD). The principle of development is therefore considered acceptable.

Design, layout and scale

The proposed development seeks to deliver six one-bedroom flats in three blocks on a 0.08 hectare site. This would result in a density of 75 dwellings per hectare which is slightly beyond that of the requirement for Scunthorpe under policy CS7 of the NLCS. Although it is noted that the proposal is for one/two-person flats rather than family dwellings and is considered to be acceptable.

Block 1 is to be sited to the southern end of the site with Block 3 to the northern end. The proposed blocks each feature one flat to the ground floor and a second flat to the first floor. The proposed blocks measure approximately 11 metres by 6 metres in footprint with the eaves height at 5 metres and roof ridge height at 8 metres. The scale of the proposed blocks is considered to be acceptable and in keeping with the character of the area.

The proposed blocks each feature buff-coloured multi facing brick to the lower half and cream render to the upper half and gables, with brick detailing to the upper half which provides visual interest. The proposed materials are considered to be acceptable and have regard to site context given properties on Davy Avenue are rendered and part brick/part render properties are evident within the locality on Henderson Crescent to the rear of the site.

In terms of boundary treatments, it is proposed that a 0.9 metre high metal rail be installed in front of landscaped areas adjacent to the highway and a mixture of 1.8 metre high timber fence

and gates and a 1.8 metre high brick wall to secure the rear of the site from the public domain, including amenity space associated with the properties. Where necessary, it is proposed that a 1.8 metre high close-boarded timber fence be erected to the eastern boundary of the site. The proposed boundary treatments are considered to be acceptable with regard to site context and would ordinarily constitute 'permitted development' under Class A, Part 2 Minor Operations, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015) (As Amended).

A secure area of amenity space is proposed to the centre of the site for use by future residents which is considered to be appropriate with regard to the scale of development. The proposal overall is considered to follow 'secure by design' techniques by positioning habitable room windows overlooking parking areas within public view in addition to securing rear areas through fencing and walls. Secure central bin stores are proposed between blocks also to appropriately deal with waste generated from the flats.

Residential amenity

A number of concerns have been raised with regard to a loss of privacy, loss of light and overbearing impact the proposal would have on neighbouring properties. The blocks have been arranged so that windows to habitable rooms feature on the front of the blocks overlooking parking areas and the road. These windows would be at least 20 metres from the rear elevations of properties on Davy Avenue which is considered to be an acceptable separation distance. Secondary small bedroom windows, kitchen windows and small landing windows do feature to other elevations but are not considered to result in a significant level of overlooking that would result in a loss of privacy.

It is noted that the proposed block, particularly the southernmost block, are to be sited close to the boundary with properties off Henderson Crescent. At a minimum the separation distance between both rear elevations is 10 metres. However, the impact of this is reduced given that the siting of the block puts the eaves height of 5 metres facing the affected property and the affected property is sited at a 45 degree angle and so does not directly face onto the flat block. It is acceptable that the proposal will result in some loss of light to rear gardens of properties on Henderson Crescent in the late afternoon given they are due west of the affected gardens. However, the gardens should receive light throughout the majority of the day as the south-facing aspect will not be affected by the proposal. It is not considered that windows to neighbouring properties will suffer a significant loss of light either.

Access and parking

The proposal will see the development of eight parking spaces including two visitor parking bays. The level of off-road parking is considered acceptable with regard to the scale of the development. The Highways Team has been consulted and has raised no objection subject to the imposition of conditions. It is noted that the grassed area proposed for the development forms part of the adopted highway and therefore an order is required to remove highway rights. As the Highways Team has raised no objection, it is considered that the proposal would not be to the detriment of road safety subject to the imposition of conditions.

The site is accessed through a gap between properties on Davy Avenue which forms an existing vehicular access to the rear of these properties. The vehicular carriageway measures 4 metres with footpaths either side which the side elevations of properties on Davy Avenue directly abut. The side elevations of these properties each have a window at ground and first-floor level. Objections have been raised on the grounds of increased noise and disturbance. It

is accepted that the proposal is likely to result in an increase in noise and disturbance to these properties. However, given that this is an existing highway arrangement and the windows are small-scale and secondary, it is considered unreasonable to refuse the application on such grounds.

Landscaping

The scheme requires the removal of three trees to the east of the site due to decay and to facilitate the development. The Tree Officer has been consulted and has raised no objection given replacement trees are proposed. It is noted within the response, however, that the Tree Officer considers some species may struggle within the areas proposed within the landscape plan and it is recommended that a condition be imposed to secure a programme of maintenance for five years including that any failures should be replaced. Although the proposal will require the removal of the three trees there is proposed to be a net gain in the number of trees at the site which is considered to result in overall landscape enhancement.

Flood risk and drainage

The site is within Flood Zone 1 as defined by the North Lincolnshire Strategic Flood Risk Assessment (SFRA) which is the zone of least flood risk and as such there are no concerns in respect of flood risk. It is important, however, to consider surface water drainage as the proposed development will increase the impermeable area of the site. The proposal has considered surface water and intends to discharge this into the main sewer. No objection has been received from the Drainage Team subject to the imposition of conditions to secure submission of a drainage scheme and an informative is advised. No objection has been received from Severn Trent Water who manage the sewer although the company has recommended inclusion of an informative.

Other matters

The Environmental Health Team has been consulted, reviewed the submitted contaminated land information and recommended conditions to secure and implement a remediation scheme. Further conditions are proposed to restrict construction hours to prevent an adverse impact on nearby residential properties during the construction period. An objection has been received in relation to an increase in air pollution. It is not considered that any significant increase in pollution would be generated given the scale of development.

A number of objections have been received with regard to Ongo Homes and antisocial behaviour. Such matters are not considered to be material and are not sufficient reason to refuse the application. It is noted that measures have been taken to reduce the potential for crime through considered design. Any issues that may arise would be enforceable through other legislation. Objections raised with regard to loss of view and devaluation of property cannot be considered as these matters do not form material considerations.

Conclusion

On balance, the proposal is considered to form sustainable development and make good use of redundant green space and bolster the supply of housing. It is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION **Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 15818/03, 15818/05, 15818/08, 15818/06, 15818/07 Revision A, 15818/09, 40449/002 Revision A and R/1932/1.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place on any area of adopted highway until such time as a formal stopping up order has been made to remove highway rights.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No development shall take place until details showing the method of constructing the proposed footway across the whole of the site frontage have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No dwelling on the site shall be occupied until such time as the footway fronting it has been completed in accordance with the approved details.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Ref: 40449, revision 1, Dated: October 2016 and Drawing no. 40449/002 Revision A Dated: 08 Nov 2016).

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future adoption and maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

10.

No dwelling shall be occupied until the drainage scheme as shown on drawing 40448/002 Revision A has been completed in its entirety.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

11.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

12.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- details of bat roosting features to be installed;
- details of nesting sites to be installed to support swifts and house sparrows;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- prescriptions for the planting and aftercare of a hedgerow, shrubs and flowers of high biodiversity value in accordance with the submitted landscape details;
- proposed timings for the above works in relations to the occupation of the dwellings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

13.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter unless otherwise agreed in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

14.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 2 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

[Part 1 intentionally omitted]

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

15.

Construction hours shall be limited to the following:

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside of these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity.

Informative 1

Our records indicate that the proposed development site has water running through it: a historic buried watercourse (surface water pipe). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. Any other drainage feature found during excavations must be immediately reported to the LLDA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the edge – Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

Severn Trent Water advises that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you obtaining a solution which protects both the public sewer and the building.

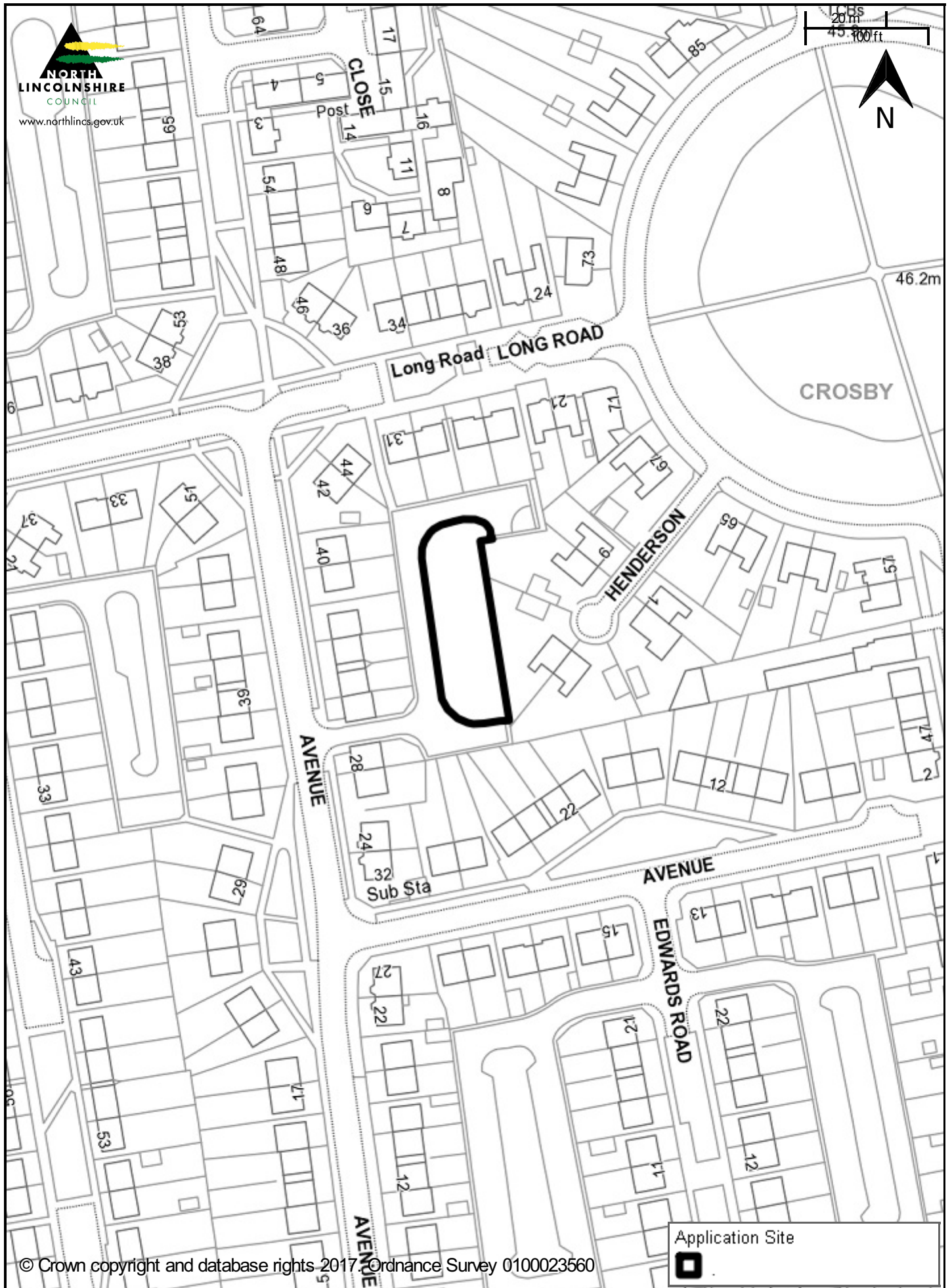
Informative 3

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 4

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Application Site


in any way the architects are to be informed before the work is initiated.

Work within the Construction (Design & Management) Regulations 2015 is not to start until Pre Construction Health and Safety Information has been produced by the Principal Designer and a Principal Contractor has produced a Construction Phase Health and Safety Plan.

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This drawing originates from the CAD file:
S:\2015\15818_Davy Ave, Scunthorpe\010_BSB Drawings\020_Current
Issue\025_Appraisal\15818_05_Block Plan_06_Proposed Site Layout.dwg

PA/2016/1716

Site Layout

Not To Scale